

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

Mauro ESPINOZA-Estrada

Defendant.

07 OCT -9 AM 10:07
Magistrate Case No. 07 MJ 2388CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIACOMPLAINT FOR VIOLATION OF

BY:

Title 8, U.S.C., Section 1326 DEPUTY

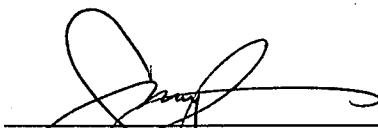
Attempted Entry After

Deportation (Felony)

The undersigned complainant being duly sworn states:

On or about **October 05, 2007**, within the Southern District of California, defendant **Mauro ESPINOZA-Estrada**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, U.S. Customs Border
Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 9th DAY OF
OCTOBER 2007.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

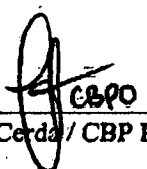
I, United States Customs and Border Protection (CBP) Enforcement Officer Fernando Cerda, declare under penalty of perjury the following to be true and correct:

On October 05, 2007 at approximately 0127 hours Mauro ESPINOZA-Estrada (Defendant) made application for admission into the United States at the San Ysidro, California, Port of Entry. Defendant was the driver and sole visible occupant of a white Nissan Altima. Upon inspection before a CBP (Customs Border Protection) Officer Defendant presented a CA Identification card and stated he was a United States citizen by virtue of birth in Oxnard, California. Defendant stated the vehicle was his and while searching for the vehicle registration the inspecting officer noticed that Defendant's hands were shaking. The primary officer checked the trunk of the vehicle and discovered people concealed inside. The vehicle was escorted to secondary inspection.

In secondary, three undocumented Mexican citizens were removed from the trunk of the vehicle. The people were identified as Alvaro DORANTES-Ayala, Antonio GUILLEN-Velasco and German PICHARDO-Cruz. A fingerprint scan of the driver identified him as Mauro ESPINOZA-Estrada a citizen of Mexico with no legal right or benefit to enter the United States. Further Automated checks revealed ESPINOZA had been previously deported from the United States.

During a videotaped interview Defendant was advised of his Miranda rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. Defendant admitted he was given a CA Identification card and a vehicle by smugglers to illegally enter the United States. Defendant stated he was to enter the United States by falsely claiming to be a United States citizen. Defendant stated he was going to San Diego, California. Defendant stated he was previously deported from the United States and has not obtained prior consent by the Attorney General or his successor to re-enter the United States. Defendant stated he was going to smuggle an undocumented alien into the United States in the vehicle he was driving. Defendant admitted he was going to receive a monetary payment of \$300.00 USD and the vehicle he was driving.

EXECUTED ON THIS 5th DAY OF October 2007 AT 0800.



Fernando Cerda / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of one page, I find probable cause to believe that the defendant named therein committed the offense on October 05, 2007 in violation of Title 8, United States Code, Section 1326.



MAGISTRATE JUDGE

10/6/07 - 115PM

DATE / TIME